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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,861	12/11/2003	Frederic Hayem	16135US02	8099
23446	7590	08/28/2009	EXAMINER	
MCANDREWS HELD & MALLOY, LTD			CASCA, FRED A	
500 WEST MADISON STREET			ART UNIT	PAPER NUMBER
SUITE 3400			2617	
CHICAGO, IL 60661				

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08/28/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: FREDERIC HAYEM, LEO BORROMEO and MICHEL LOTTER

Application No. 10/733,861
Technology Center 2600

Mailed: August 28, 2009

Before DEBORAH L. PERRY *Supervisory Paralegal Specialist, Review Team.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 10, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on August 10, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly,

it is ORDERED that the application is returned to the Examiner:

- 1) consider and acknowledge the Reply Brief filed August 10, 2009, as indicated above; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DP/dw

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